

## Article - Environment

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§10–203.

(a) (1) If, after investigation, the Secretary finds that any of the following conditions exists, the place or thing as to which the condition exists is in a state of nuisance:

(i) The contents overflow or leak from an outhouse, a water closet, a septic tank, or a cesspool and present a hazard to public health.

(ii) An outhouse, a water closet, or a cesspool is not flytight and watertight and presents a hazard to public health.

(2) The Secretary summarily may abate any condition that is in a state of nuisance under this subsection.

(b) Before summarily abating a nuisance under this section, the Secretary shall:

(1) Serve an abatement order on the owner of the property where the nuisance exists or, if the owner cannot be found, on the occupant or tenant of the property; or

(2) If the property is unoccupied and the owner cannot be found, attach an abatement order to the property where the nuisance exists.

(c) (1) The abatement order shall require and state:

(i) A time period within which the owner, occupant, or tenant of the property where the nuisance exists shall abate the nuisance; and

(ii) The work and materials necessary to abate the nuisance.

(2) The time period within which to abate the nuisance may not be less than 24 hours nor more than 5 days from the date and hour that the order is served.

(d) (1) If the owner, occupant, or tenant served with an abatement order fails to abate or only partially abates the nuisance within the time specified in the order, the Secretary or a representative of the Secretary shall:

(i) Enter on the property; and

(ii) At the expense of the owner, occupant, or tenant of the property, do any work and use any materials necessary to abate the nuisance.

(2) The Secretary may not expend more than \$500 to abate the nuisance.

(e) If, within 60 days after the Secretary has completed an abatement under this section, the owner, occupant, or tenant does not pay to the Secretary the cost of the abatement, the Secretary shall file suit against the owner, occupant, or tenant in the district court for the county where the nuisance was abated.

(f) A person may not:

(1) Interfere with the Secretary or a representative of the Secretary summarily abating a nuisance under this section; or

(2) Refuse to allow the Secretary or a representative of the Secretary to enter on any property for the purpose of summarily abating a nuisance under this section.

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